



BRIEFING PAPER

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Counter-extremism policy in English schools

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Summary

Schools, both state-funded and independent, have a range of duties in relation to safeguarding children from extremism. The protection of children from radicalisation and the promotion of British values are part of the inspection regime to which schools are subject.

In recent times the Government has taken further action to strengthen the duties on schools, in particular with the *Counter-Terrorism and Security Act 2015*, which placed the Government's 'Prevent' counter-extremism strategy on a statutory footing, and placed duties on schools to prevent children being radicalised and drawn into terrorism. The Government has also sought to strengthen schools' abilities to address a wide range of potential concerns relating to radicalisation, such as the potential for children to be groomed through social media and encouraged by ISIS to travel to Syria.

In 2014, the 'Trojan Horse' affair in Birmingham schools raised concerns that school leadership could spread extremist ideology through the school system, which prompted a series of inquiries and subsequently action by the then Coalition Government, including the move to promote British values in schools.

This briefing provides an overview of these areas and the requirements on schools in countering extremist ideology and the potential for pupils to be radicalised. As schools policy is a devolved area, this briefing focuses on the position in England and the guidance and advice published by the Department for Education.

Broader information can be found in the Library briefing [Counter-extremism policy: an overview](#), CBP 7238.

1. Background: the role of schools in preventing extremism

1.1 Overview

The Government's July 2015 [response to the Education Committee](#) report on the Trojan Horse affair (see section 3.3 for more details) provides a statement of the Government's position on counter-extremism policy in schools, and the relevant measures it is undertaking:

Extremism has no place in our schools. We will investigate quickly any evidence that suggests a school is not keeping children safe from extremist ideas, ideology or radicalisation. All schools are subject to a robust inspection regime, and we will not hesitate to take firm and swift action if pupils are in any way being placed at risk. We are tackling this problem both by taking determined action where we find areas of concern, and building resilience in the system. We have increased the capacity of our Due Diligence and Counter Extremism Group. With the leadership of a Director entirely devoted to this area, we:

- a) have strengthened the accountability regime and oversight for all schools – maintained, academies and independent – to strengthen the ability of institutions in the education system to tackle extremism;
- b) have worked with Ofsted as it strengthens its inspection frameworks to include Fundamental British Values;
- c) are collaborating with the Home Office and Police to develop advice and material to support schools in meeting their new duty to prevent young people from being drawn into terrorism, as part of the Counter-Terrorism and Security Act 2015;
- d) are undertaking a review of schools where there is evidence of links with young people who may have travelled to Syria, to learn lessons that will inform future work to support schools with concerns about their role, including their ability to tackle the risks of online grooming, radicalisation and extremist influences;
- e) have pursued action in relation to individuals and schools connected with the events in Birmingham to ensure that young people receive the education they deserve;
- f) have put in place a dedicated helpline for schools to raise extremism concerns more easily; and
- g) have delivered training and awareness raising in extremism to all DfE senior civil servants and set up new information management systems in direct response to the Permanent Secretary's report in January.¹

The Government also published an overview of the duties on schools in its policy paper [Preventing extremism in the education and children's services sectors](#) on 1 September 2015.

¹ Department for Education, [Government response to the Education Select Committee report: Extremism in schools: the Trojan Horse affair](#), July 2015, Cm 9094, p1-2

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The broader DfE statutory guidance on safeguarding children in schools, [Keeping children safe in education](#), includes information on countering radicalisation and the structures schools should have in place to safeguard children.²

Section 8.7.3 of [The Governance Handbook](#), most recently updated by the Department for Education in November 2015, provides a brief overview and reference point for governors and trustees in maintained schools and academies respectively.³

1.2 How to raise concerns

In addition to in-school safeguarding mechanisms, the [policy paper](#) provides contacts at the Department for Education to be used if someone is concerned about extremism in a school or organisation that works with children, or if they think a child might be at risk of extremism:

- Email: counter.extremism@education.gov.uk
- Telephone: 020 7340 7264
- Open Monday to Friday from 9am to 6pm (excluding bank holidays).

² Department for Education, [Keeping children safe in education: statutory guidance for schools and colleges](#), July 2015

³ Department for Education, [The Governance Handbook](#), November 2015, p63

2. The Prevent strategy and protecting children in education

2.1 The Prevent strategy: overview

The Prevent strategy is part of '[CONTEST](#)', the strategy for countering terrorism that was published by the Government in July 2011. The 'Prevent' strand aims to stop people becoming terrorists or supporting terrorism.

The development of the Prevent strategy under the Labour and Coalition Governments, including broader work on integration, is discussed at more length in the Library briefing [Preventing violent extremism](#), SN/PC/05993.

The gov.uk website, in an [annexe](#) to its information on [counter-extremism policy](#) as pursued under the Coalition Government, states that the Prevent strategy:

- responds to the ideological challenge we face from terrorism and aspects of extremism, and the threat we face from those who promote these views
- provides practical help to prevent people from being drawn into terrorism and ensure they are given appropriate advice and support
- works with a wide range of sectors (including education, criminal justice, faith, charities, online and health) where there are risks of radicalisation that we need to deal with⁴

2.2 The Prevent strategy in schools policy

The Counter-Terrorism and Security Act 2015

Part 5 of the *Counter-Terrorism and Security Act 2015* (the CTSA 2015), which received Royal Assent on 12 February 2015, contains provisions to prevent people being drawn into terrorism and effectively puts the Prevent strategy on a statutory footing.⁵ CTSA 2015 provides that the Secretary of State may publish guidance on how specified authorities should fulfil this duty.⁶

The Government has produced guidance (issued under section 29 of the CTSA 2015) for specified authorities, which they must have regard to when complying with the duty. There are two versions of the guidance: one for authorities in England and Wales, and one for authorities in

⁴ Gov.uk, [2010 to 2015 government policy: counter-terrorism: Annex 2: Prevent strategy](#)

⁵ Part 5 CTSA 2015

⁶ Section 29 CTSA 2015

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Scotland.⁷ Speaking on a motion to approve the Regulations (which was agreed) Home Office Minister Lord Bates said:

Following discussions with the Scottish Government, the Government decided that separate guidance, which specifically addresses the particular circumstances of Scotland, would be more helpful than trying to address those circumstances through one set of guidance.⁸

Statutory guidance on the Prevent duties in the Act, across all policy areas, has been published for [England and Wales](#), and [Scotland](#).

The relevant provisions came into force in Scotland on 25 March 2015.

In England and Wales, the provisions relevant to schools came into force on 1 July 2015.

Prevent strategy advice for schools

On 1 July 2015 the Department for Education published [advice](#) specifically directed at schools in England, aimed at:

- clarifying what the Prevent duty means for schools and childcare providers
- outlining what they can do to help protect children from the risk of radicalisation
- making clear what schools and childcare providers should do to demonstrate compliance with the duty
- informing them about other sources of information, advice and support⁹

The advice provides the following overview of the requirements on schools:

[...] it is essential that staff are able to identify children who may be vulnerable to radicalisation, and know what to do when they are identified. Protecting children from the risk of radicalisation should be seen as part of schools' and childcare providers' wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

Schools and childcare providers can also build pupils' resilience to radicalisation by promoting fundamental British values and enabling them to challenge extremist views. It is important to emphasise that the Prevent duty is not intended to stop pupils debating controversial issues. On the contrary, schools should provide a safe space in which children, young people and staff can understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments. [...]

The Prevent duty is entirely consistent with schools' and childcare providers' existing responsibilities and should not be burdensome.¹⁰

⁷ GOV.UK, Home Office, [Prevent duty guidance](#), published 12 March 2015

⁸ HL Deb 23 March 2015 cc 1233- 1234

⁹ Department for Education, [New safeguarding advice for schools and childcare providers](#), 1 July 2015

¹⁰ Department for Education, [The Prevent duty: Departmental advice for schools and childcare providers](#), June 2015, p5

The advice also provides guidance on areas such as staff training, IT policies, and what teachers should do if they have concerns about a particular pupil.

On 1 July 2015 the Department for Education also published [guidance](#), aimed at teachers, head teachers, and safeguarding leads, on how terrorist groups such as ISIS use social media to encourage travel to Syria and Iraq.¹¹ The TES website also provides teaching resources from the DfE on [tackling extremism in schools](#).¹²

Prevent in schools prior to 2015

A Parliamentary Question in March 2015 asked the Education Secretary “what work her Department undertook between 2011 and 2014 to implement the review of the Prevent Strategy in 2011, and what evaluation was undertaken of that work.” The Education Minister Edward Timpson responded:

The Department for Education set up a dedicated unit, the Due Diligence and Counter Extremism Group, now a director-led group, to lead its contribution to the Prevent strategy, in particular by working to reduce the risk of unsuitable individuals and organisations from gaining influence over schools and strengthening regulatory frameworks.

The Department has carried out due diligence checks to establish the suitability of individuals and organisations seeking to become involved in schools and in other activity involving children and young people. Work on strengthening regulatory frameworks includes, but is not limited to, amending the standards applying to institutions, teachers and governors to require them to conduct themselves in a way which is compatible with fundamental British values and enabling the Secretary of State and others to take action where they fail to do so. Ofsted has strengthened the school inspections handbook so that inspectors take account of how well schools promote fundamental British values, and protect pupils from the risks of extremism and radicalisation, when judging their effectiveness.

A number of local Prevent projects, funded by the Home Office, engage schools and supplementary schools and train teachers in priority areas. The Home Office has established a monitoring framework to evaluate the local delivery of Prevent project funding to local authorities. The process for allocating funds requires projects to be evidence-based with clear steps to evaluate activity. The Office for Security and Counter-Terrorism (OSCT) collates the evidence from projects it funds in order to evaluate consistently across similar projects.¹³

The following PQ response from October 2014 provides further information on the implementation of the Prevent strategy in schools:

Andrew Rosindell: To ask the Secretary of State for the Home Department, what steps her Department is taking to prevent children from being radicalised.

James Brokenshire: Since June 2011, Prevent has funded over 180 projects in priority and supported areas. Around a third of

¹¹ Department for Education, [The use of social media for online radicalisation](#), 1 July 2015

¹² TES, [Tackling Extremism in Schools](#), 4 September 2015

¹³ [PQ 226501](#) [radicalism], 5 March 2015

these have focused on schools and supplementary schools – protecting children from extremism and radicalisation. Local Authority Prevent Co-ordinators brief head teachers, teachers and safeguarding leads in schools and regularly provide training to frontline staff.

There are currently seven local authorities who have created specific posts dedicated to working with schools funded by the Home Office. Where these projects have been delivered, areas have reported an increase in teachers' confidence in identifying and dealing with extremism. The Home Office is working closely with the Department for Education to keep our approach under review and ensure that we are doing all we can to safeguard children and young people.

[\[PO 210466 \[on Radicalism: Children\], 24 October 2014\]](#)

Private Member's Bill: proposed exemptions

The [Counter-Terrorism and Security Act 2015 \(Amendment\) Bill 2016-17](#), a Private Member's Bill, was presented to Parliament by Lucy Allan on Wednesday 29 June 2016.

The Bill would repeal provisions in the [Counter-Terrorism and Security Act 2015](#) requiring teachers, carers and responsible adults to report signs of extremism or radicalisation amongst children in primary school, nursery school or other pre-school educational settings.

The [announcement of the Bill](#) on Lucy Allan's website stated that the existing provision "places an unnecessary burden on educational, caring and other responsible persons in carrying out their respective roles."¹⁴

The Bill is scheduled to have its Second Reading in the Commons on 27 January 2017.

2.3 Due Diligence and Counter Extremism Division

An Education Committee [report](#) on extremism in schools noted that the DfE was the first department to establish its own counter-extremism division when it established the Due Diligence and Counter Extremism Division in late 2010. It stated that the Division's role was to deliver the DfE's commitments in the Government's Prevent strategy, and to carry out financial and non-financial due diligence on those applying to set up free schools. The unit works to ensure that children and young people are safeguarded from extremists and extremist views in schools or in out-of-school-hours learning, and stop young people from becoming radicalised or acting on extreme views.¹⁵

2.4 Prime Minister's Task Force on Tackling Radicalisation and Extremism

Following the murder of Lee Rigby in May 2013, the Prime Minister established a task force on radicalisation and extremism to assess

¹⁴ Lucy Allan MP, [Lucy presents Private Member's Bill to Parliament](#), 29 June 2016

¹⁵ Education Committee, [Extremism in schools: the Trojan Horse affair](#), HC 473, March 2015 para 55

whether the UK was doing everything within its power to counter these threats. The Task Force [reported](#) in December 2013. It made recommendations for actions across a range of policy areas, including the following for schools:

5.1.1 We have a responsibility to protect children from extremist views in schools. All schools in England, whether in the state or independent sectors, including those with a faith ethos, must expect that they will be inspected and assessed on their measures to protect their pupils from extremist material.

5.1.2 Ofsted already conducts unannounced inspections of independent schools – these will continue. We are working to introduce even tougher standards from September 2014 to ensure that schools support fundamental British values. Regulations to bar individuals involved or linked with extremism from managing or teaching at independent schools will be in place by April 2014.

5.1.3 To widen the protection of school children further, the Task Force has agreed to improve oversight of religious supplementary schools. We will introduce a voluntary code of practice which will depend on schools implementing robust policies to protect children and young people from harm, including exposure to intolerant or extremist views. This will help parents make informed decisions about the right choice.¹⁶

The measures relating to extremist views and Ofsted are discussed in section 2.7.

2.5 Keeping Children Safe consultation (December 2015)

In December 2015, the Department for Education published a [consultation](#) on strengthened Keeping Children Safe in Education guidance (see section 1.1). The proposed changes covered a range of issues including cyber bullying and pornography, and also potential radicalisation, under which schools would:

- need to have appropriate filters and monitoring systems, so that no child can access harmful content via the school's IT systems and concerns can be spotted quickly
- be required to ensure that they teach their pupils about safeguarding, including online¹⁷

The [consultation](#) is open until 5pm on 16 February 2016.

2.6 Supplementary schools ('out-of-school settings')

As noted in section 2.4, the Prime Minister's Task Force recommended a voluntary code of practice be put in place for religious supplementary schools. Supplementary schools offer out-of-school-hours education and are usually set up by community groups and voluntary

¹⁶ HM Government, [Tackling extremism in the UK. Report from the Prime Minister's Task Force on Tackling Radicalisation and Extremism](#), December 2013, p5

¹⁷ Department for Education, [New measures to keep children safe online at school and at home](#), 22 December 2015

organisations. The [National Resource Centre for Supplementary Education](#) (NRCSE) sets out the following [information](#):

Supplementary schools offer educational support (language, core curriculum, faith and culture) and other out-of-school activities to children attending mainstream schools. They are established and managed by community members, generally on a voluntary basis. There are 3,000-5,000 such schools in England.

It was reported in October 2014 that the Department for Education would not be implementing the Task Force's proposal for a voluntary code of practice. See BBC News, [Code of practice for religious schools shelved](#), 23 October 2014.

New system of intervention

In October 2015, the Government's new [Counter-Extremism Strategy](#) was published. Following on from an [announcement](#) made by the then Prime Minister, David Cameron, in his speech to the Conservative Party Conference,¹⁸ it stated that (emphasis in original):

...to address concerns about supplementary schools, **the Department for Education will introduce a new system to enable intervention in unregulated education settings** which teach children intensively. This intervention will apply if there are concerns about the safety or welfare of the children attending them, including from extremism. This will provide for the registration of settings so that they can be inspected and will introduce appropriate sanctions to protect children.¹⁹

Call for evidence and reaction

On 26 November 2015, the Department for Education published a [call for evidence](#) on out-of-school education settings, which set out the following proposed system, to enable action to be taken where settings are failing to safeguard and promote the welfare of children, including failing to protect them from extremism:

- A requirement on settings providing intensive education to register, so that there is transparency about where settings are operating;
- A power for a body to inspect settings to ensure that children are being properly safeguarded; and
- A power to impose sanctions where settings are failing to safeguard and promote the welfare of children, which could include barring individuals from working with children and the closure of premises.²⁰

The call for evidence closed on 11 January 2016.

Reaction

There have been some concerns about the perceived implications of the proposals. Four Conservative MPs [wrote](#) to the *Telegraph* on 12 January 2016 to raise concerns about religious freedom:

¹⁸ BBC News, [David Cameron: Prime Minister warns over extremist teaching](#), 7 October 2015

¹⁹ HM Government, [Counter-extremism strategy](#), October 2015, p26-27

²⁰ Department for Education, [Out-of-school education settings: call for evidence](#), November 2015, p7

If implemented, these regulations could have a seriously detrimental effect on the freedom of religious organisations. These groups fear the prospect of an Ofsted inspector observing meetings and then imposing sanctions for the expression of traditional views on matters such as marriage – views which, until very recently, were considered mainstream in Britain.

This would be an intolerable but very real possibility given the clear desire of the Department for Education to investigate what it calls “prohibitive activities”, such as “undesirable teaching... which undermines or is incompatible with fundamental British values”. This could challenge established Christian teaching.

Threats to British values originate overwhelmingly from certain strains of Islam. It is at least disproportionate, if not absurd, to impose intrusive burdens on all other religious groups under the pretence that attempts at radicalisation could be discovered in any organisation.²¹

In an accompanying [Telegraph article](#), a Department for Education official was quoted as saying that the Government “is not proposing to regulate institutions teaching children for a short period every week, such as Sunday schools.”²²

The Northern Council of Mosques also published a [statement](#), in December 2015, criticising what it saw as “state intervention in madrassas”:

We believe that there is no compelling necessity for regulating a community education sector that has served and flourished independently. It allows communities to take responsibility for addressing special and additional educational needs not adequately catered for or provided by the state education system. It would be irresponsible on the part of the government to dampen/ destroy the community spirit, action and ownership that has served us well.

[...]

We have reason to believe that the proposition to register out-of-school settings is designed to disproportionately target the Muslim community due to the non-evidential basis of associating Madrassas with radicalisation.²³

The National Resource for Supplementary Education, [responding](#) to earlier comments by the Prime Minister, stated that it welcomed a review of the regulations concerning the registration of ‘any form of care for a child including education or any other supervised activity’ and that (emphasis in original):

In the absence of any form of statutory regulation NRCSE works with supplementary schools, local authorities and charitable trusts to deliver a voluntary code of practice for supplementary education and a Quality Framework for Supplementary Schools.

²¹ Telegraph, [Sunday school snoop](#), 12 January 2016. The MPs were Sir Gerald Howarth MP, Gary Streeter MP, David Burrowes MP, Fiona Bruce MP.

²² Telegraph, [Tory MPs warn that Sunday schools could be banned from teaching that marriage is between a man and a woman](#), 11 January 2016

²³ Northern Council of Mosques, [Northern Council of Mosques issue statement against Govt interference in madrassas](#), 29 December 2015; discussed in BBC News, [Mosques oppose madrassa registration](#), 7 January 2016

[...]

Our experience and our members tell us that greater support to enable more providers of out-of-school-hours activities to improve the quality of their provision would be welcome.

It is difficult to envisage, however, how 'forcing' community organisations, largely run entirely by volunteers, to be regulated without providing for any form of support or guidance on what they should do in order to meet regulatory requirements could be implemented in a democratic country with a commitment to human rights.

We, therefore, recommend that all organisations offering out-of-school-hours provision, as well as individuals offering private tuition on a commercial basis, be required to register with a statutory body. We also recommend that local authorities be mandated to provide access to advice and support on the management of safe learning environments.²⁴

In an interview on LBC Radio on 14 January 2016, HM Chief Inspector of schools, Sir Michael Wilshaw, was [interviewed](#) about the consultation. He stated:

...we've been in to some institutions in Birmingham where there were 30/40 youngsters being educated, living in the most appalling conditions, in a filthy environment where there was homophobic literature, misogynistic literature, anti-Semitic literature. Where the staff had not been vetted. So children are at risk, and at risk of abuse and at risk of radicalisation. Now, the Government is seriously concerned about that and wants Sunday schools and wants Madrassas and after school clubs to be registered. That won't take a lot of time and we will not be inspecting every one of them but we will know that they exist. And if there are concerns, if whistle-blowers do tell us there's an issue then we will go in and inspect. Our inspections will be proportionate.²⁵

Schools Minister clarification on Sunday schools and other settings

The Schools Minister, Nick Gibb, [responded](#) to a Parliamentary Question on 14 January 2016, clarifying the intentions behind the Government's proposals and providing information on the type of setting that would be covered by the proposals, which he said would not include Sunday schools:

Nick Gibb: [...] The proposals are about making sure that where there are concerns raised by parents and others about issues of extremism, child cruelty or inappropriate teaching in unregulated settings, the Government can take action to protect children and empower parents.

The call for evidence defined intensive education as anything which entails an individual child attending a setting for more than between six to eight hours a week. Such settings would be

²⁴ National Resource for Supplementary Education, [Inspection of supplementary schools?](#), 21 October 2015. The NRCSE subsequently [directed](#) readers of its website to this article as its view on the consultation launched in November.

²⁵ LBC, [Ofsted Chief Michael Wilshaw On LBC](#), 14 January 2016

required to register with their local authority and be eligible for inspection where concerns were reported.

Settings providing ad hoc classes or regular classes below a specified time threshold would not be captured by the proposal. One-week holiday clubs and Sunday schools would not, therefore, be covered. The proposal is intended to capture settings where children receive intensive education, regardless of faith or whether provided by a community group.²⁶

Westminster Hall debate

A Westminster Hall [debate](#), led by Sir Edward Leigh, discussed the proposals in the consultation on 20 January 2016. Sir Edward criticised the proposals as unworkable and as an unnecessary burden on voluntary groups. He further stated:

This scheme is fundamentally illiberal. It is big government at its worst. It would do little or no discernible good, and an awful lot of harm, leading to false allegations. [...] Finding extremists is already like finding a needle in a haystack. This system will just make the haystack much bigger.²⁷

A number of MPs raised similar concerns about the proposals. Speaking for Labour, Nic Dakin stated that he agreed:

...that action should take place immediately to investigate genuine concerns and evidence of out-of-school settings engaging in prohibited activities...but as many Members have pointed out, there are lots of ways in which it can be done already under current legislation. [...]

I fear that this is all about activity, rather than action. As the hon. Member for Belfast East (Gavin Robinson) said, what is being proposed is wide and shallow, when what we need is something narrow and deep.²⁸

The Schools Minister, Nick Gibb, responded that:

A clear regulatory framework exists to protect children from those risks in childcare settings, and in state and independent schools. The call for evidence on out-of-school education, which closed last week, invited submissions on how to ensure that we are similarly able to safeguard —supplementary education —while avoiding disproportionate regulation. [...]

We are therefore considering how best to address failures in the minority of settings that fail to meet their obligations while preserving everything that has made the vast majority of supplementary education so successful.²⁹

Queen's Speech 2016: Counter-Extremism and Safeguarding Bill

The Queen's Speech in May 2016 included the announcement of a *Counter-Extremism and Safeguarding Bill* which would include provision to intervene in out-of-school settings. The [briefing notes](#) stated:

Safeguarding children from extremist adults, by taking powers to intervene in intensive unregulated education settings which teach

²⁶ [PO 21882 \[Extracurricular activities\]](#), 14 January 2016

²⁷ [HC Deb 20 Jan 2016 c573WH](#)

²⁸ [HC Deb 20 Jan 2016 c586-588WH](#)

²⁹ [HC Deb 20 Jan 2016 c589-590WH](#)

hate and drive communities apart and through stronger powers for the Disclosure and Barring Service.³⁰

The Bill did not appear before the 2017 General Election, and no equivalent bill was included in the Queen's Speech 2017. The 2017 speech, however, did announce the establishment of a new Commission for Countering Extremism, as well as a review of counter-terrorism powers and a commitment to tackling online extremist content.

Information on related developments can be found in the Library briefing [Counter-extremism policy: an overview](#), CBP 7238.

2.7 Ofsted

In July 2014, Ofsted published revised guidance for the inspection of maintained schools and academies, which came into effect in September that year. The Ofsted [announcement](#) which summarised the changes noted that schools must now:

pay even greater attention to a school's curriculum to ensure that it is appropriately broad and balanced to help prepare young people for life in modern Britain.³¹

The latest edition of the [School Inspection Handbook](#), effective from September 2015, sets out that as part of Ofsted's assessment of a school's safeguarding arrangements, Ofsted will assess:

the effectiveness of leaders' and governors' work to raise awareness and keep pupils safe from the dangers of abuse, sexual exploitation, radicalisation and extremism and what the staff do when they suspect that pupils are vulnerable to these issues.³²

Ofsted's [Common Inspection Framework](#), designed to provide coherence across age ranges in the inspection of different education, skills and early years settings, and in effect from September 2015, sets out that Ofsted considers the active promotion of British values in making its judgments.³³ The Inspection Handbook sets out that schools are assessed according to pupils':

...acceptance and engagement with the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.³⁴

Absence of pupils from school rolls

In July 2015, the then HM Chief Inspector, Sir Michael Wilshaw, [wrote](#) to the Secretary of State to provide an update on Ofsted's monitoring of progress made by schools in Birmingham and Tower Hamlets, which had been inspected because of concerns about extremism. Sir Michael stated that "a serious safeguarding issue that has come to light... potentially high numbers of pupils whose names are being deleted from

³⁰ HM Government, [Queen's Speech 2016 briefing notes](#), p49

³¹ Ofsted, [Revised guidance for inspections of maintained schools and academies](#), 31 July 2014

³² Ofsted, [School inspection handbook](#), August 2015, p39

³³ Ofsted, [The common inspection framework: education, skills and early years](#), June 2015, p13

³⁴ Ofsted, [School inspection handbook](#), August 2015, p36

school admissions registers without either the schools or the local authorities having an accurate understanding of where those pupils have gone.”

The letter stated that Sir Michael had commissioned unannounced inspections of a number of state schools in both these areas and would meet with local authority officials.³⁵

HMCI letter on unregistered schools

In December 2015, HM Chief Inspector wrote to the Secretary of State with his most recent [letter](#) setting out his “continuing concern about the safety of children who are being educated in unregistered schools,” following no-notice inspections of three locations in Birmingham, where inspectors had found:

- clear evidence that all three settings were operating as unregistered schools
- a total of 94 children being educated in the three unregistered settings
- serious fire hazards, including a blocked fire escape and obstructed exits
- a narrow Islamic-focused curriculum
- inappropriate books and other texts including misogynistic, homophobic and anti-Semitic material
- unhygienic and filthy conditions in one of the settings
- staff not suitably checked or cleared to work with children.³⁶

The schools were closed down, but Sir Michael stated that he remained concerned about unregistered provision across the country, and had commissioned a team of Ofsted inspectors to focus exclusively on identifying, investigating and supporting the prosecution of those found to be operating unregistered schools.³⁷

2.8 Joint Committee on Human Rights report

In July 2016, the Joint Committee on Human Rights published a [report](#) on counter-extremism which included discussion both of the Prevent strategy in schools and the proposals for inspection of out-of-school settings. The report included a recommendation for an independent review of the Prevent strategy as part of the consultation on any proposed counter-extremism Bill.³⁸

³⁵ Ofsted, [Advice letter from Sir Michael Wilshaw, Her Majesty’s Chief Inspector, on the latest position with schools in Birmingham and Tower Hamlets](#), 14 July 2015; reported in BBC News, [Ofsted Trojan Horse warning on pupils taken out of school](#), 14 July 2015

³⁶ Ofsted, [Advice letter from Sir Michael Wilshaw, Her Majesty’s Chief Inspector, on unregistered schools](#), 11 December 2015

³⁷ Ibid.

³⁸ Joint Committee on Human Rights, [Counter-extremism](#), 22 July 2016, HC 105, HL 39, para 42

Prevent strategy in schools

The Committee stated that it was not possible to deliver a definitive verdict on Prevent in schools at this stage, but noted concerns about the impact of the strategy, citing a story of a four-year-old nursery pupil “who was referred to Luton Council after he had drawn a picture of what was initially described by the nursery as a ‘cooker bomb’ but which turned out to be a cucumber,” and also myths that could be produced about the strategy, such as those that had grown up around another incident where an eight-year-old boy wrote in his homework ‘I live in a terrorist house’ and the police subsequently visited his home – a visit that was in fact prompted by a section where the boy had written ‘I don’t like it when my uncle beats me’. The action was a child safeguarding investigation rather than part of counter-extremism measures. The Committee stated:

It is too early to reach any definitive conclusions on the success of the Prevent Duty in schools. Anecdotal evidence suggests that there may be some cause for concern about the impact of the Duty and the Government would be well-advised to ensure that referrals are made in a sensible and proportionate fashion. However, we also accept that it is very easy for dangerous myths to be spread about Prevent. The only way for these to be dispelled is for there to be rigorous and transparent reporting about the operation of the Prevent Duty.³⁹

Out-of-school settings

The Committee also expressed doubts about the benefits of the proposed new measures to regulate out-of-school educational settings, and highlighted the tension between increased safeguarding and religious freedom:

The need to safeguard children from neglect, physical harm and sexual abuse is well understood. But it is rather less clear how one can draw a line between religious freedom and requirements for safeguarding that genuinely protect children. While there may be some argument for safeguarding measures to be introduced in out-of-school settings, these should not be specifically aimed at religious activities, nor are we convinced that existing safeguarding measures are inadequate in this regard. Any new measures should be proportionate, focused, and should only apply where identifiable concerns about the safety or wellbeing of children and young persons have been raised within a particular institution. We do not support a regime of routine inspections of out-of-school settings. We are aware of the very grave concerns around Government proposals for a regime of compulsory registration. We reserve the right to return to this issue if and when we see detailed proposals from the Government.⁴⁰

Government response

The [Government response](#), published in October 2016, defended the current position of Prevent in schools:

Protecting pupils from the risk of radicalisation should be seen as part of schools’ wider safeguarding duties. It is important to understand the risk of radicalisation as a safeguarding risk that is

³⁹ Ibid., para 49-50

⁴⁰ Ibid., para 74

similar in nature to protecting children from other harms. We agree with the Committee that it is important that referrals are made in a sensible and proportionate fashion. That is why the Department's advice and guidance on the Prevent Duty make clear that if teachers have concerns about any pupils they should follow normal safeguarding procedures and act proportionately. There are no mandatory reporting requirements under the Duty.

We recognise the importance of dispelling myths and improving understanding of Prevent, and are working proactively to communicate its positive impact and encourage balanced reporting by the press. We are also working closely with schools and local communities to improve understanding of the duty and make clear that it is about safeguarding young people from the dangers of being drawn into terrorism.

The Department for Education's recent teachers' omnibus survey shows that 83 per cent of school leaders are confident in how they should implement the Prevent duty.⁴¹

The response also stated that the Government was considering views expressed in the call for evidence on out-of-school settings and would announce further steps, which it stated would be "targeted, proportionate and focuse[d] firmly on those settings which are failing to safeguard and promote children's wellbeing."⁴²

2.9 Home-schooled children

Parents have the right to decide to teach their children at home at any stage up to the end of compulsory school age. Parents who choose to home-educate their children are responsible for ensuring that the education provided is efficient, full-time and suitable to the child's age, ability and aptitude. They do not, however, have to follow the national curriculum.

In December 2015 it was [reported](#) in the *Independent on Sunday* that the then Education Secretary, Nicky Morgan, had asked officials to review home schooling, in light of concerns that children might be radicalised by home-schooling parents.⁴³ However, this has not been confirmed by the Department for Education.

The Library briefing paper on [Home Education in England](#), SN01508, provides general information on home schooling.

2.10 Educate Against Hate website

In January 2015, the then Education Secretary Nicky Morgan made a [speech](#) at Bethnal Green Academy on measures to protect children from extremism. This included the launch of the website [Educate Against Hate](#), which aimed to bring together "the best advice, support and resources available for parents, teachers and school leaders who want

⁴¹ Joint Committee on Human Rights, [Government Response to the Committee's Second Report of Session 2016-17: Counter-extremism](#), HC 756, pg4-5

⁴² *Ibid.*, pg 7

⁴³ *Independent on Sunday*, [Nicky Morgan orders review on home schooling amid fears children having minds 'poisoned' by radicalised parents](#), 19 December 2015

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to learn how to protect young people from extremism and radicalisation.”⁴⁴

⁴⁴ Department for Education, [Nicky Morgan speaks about tackling extremism](#), 19 January 2016

3. Trojan Horse

3.1 Background

The investigations into the 'Trojan Horse' affair have been a prompt for wide-ranging Government action in countering extremism in schools, as well as focusing public debate. A [report](#) by the Commons Education Select Committee provides helpful background:

1. In March 2014 an anonymous document came to light, claiming that schools in Birmingham had been deliberately targeted by Muslims standing as school governors in order to replace school leaders with heads who would adopt a more Islamic agenda in running the schools. The 'Trojan Horse' letter purported to offer advice to communities in other cities as to how this could be done.
2. The document had been sent to the leader of Birmingham City Council in November 2013, with a covering letter (also anonymous) stating that "This letter was found when I was clearing my bosses files and I think you should be aware that I am shocked at what your officers are doing." The letter writer adds "You have 7 days to investigate this matter after which it will be sent to a national newspaper who I am sure will treat it seriously".
3. At least five official investigations were held into the allegations made in the letter, instigated by Ofsted, the Department for Education (DfE), the Education Funding Agency (EFA), Birmingham City Council and the West Midlands police.

The [report](#) also includes a timeline of the allegations and subsequent investigations (see pages 8-9). This briefing focuses on the Clarke review (see section 3.2), and its subsequent impact on Government policy.

Further developments

In September 2015, the Secretary of State issued a [prohibition direction](#) under section 128 of the *Education and Skills Act 2008* which barred the former Chair of Park View Education Trust (all three of whose schools were part of the Trojan Horse investigations), Tahir Alam, from taking part in the management of an independent school. The barring decision also has the effect of disqualifying the person from being a governor at a maintained school.⁴⁵

In May 2017, the case against five senior teachers accused of professional misconduct relating to 'Trojan Horse' was discontinued.⁴⁶ The National College of Teaching and Leadership published the [outcome of the panel hearing](#) on 13 June 2017. The outcome cited "serious failures with regard to disclosure," of information on the part of the NCTL, "which are far-reaching and extend over the entire life of this case."⁴⁷ The panel stated that "there has been an abuse of the

⁴⁵ Department for Education, [Direction: Tahir Alam barred from managing independent schools](#), 9 September 2015

⁴⁶ BBC News Online, ['Trojan Horse': Cases against teachers dropped](#), 30 May 2017

⁴⁷ National College for Teaching and Leadership, [Teacher misconduct panel outcome: Mr Monzoor Hussain, Mr Hardeep Saini, Mr Arshad Hussain, Mr Razwan Faraz, Ms Lindsey Clark](#), 13 June 2017, p31

process which is of such seriousness that it offends the panel's sense of justice and propriety," and that in consequence it was fair and appropriate for the proceedings to be discontinued.⁴⁸

3.2 Clarke report

In April 2014, the then Education Secretary, Michael Gove, appointed Peter Clarke as Education Commissioner to take an overview of evidence in relation to Birmingham schools and the allegations relating to the 'Trojan Horse letter'. His [report](#) was published in July 2014. In its conclusions, Mr Clarke stated that:

I neither specifically looked for, nor found, evidence of terrorism, radicalisation or violent extremism in the schools of concern in Birmingham. However, by reference to the definition of extremism in the Prevent strand of the Government's counter terrorist strategy CONTEST, and the spectrum of extremism described by the Prime Minister in his Munich speech in February 2011, I found clear evidence that there are a number of people, associated with each other and in positions of influence in schools and governing bodies, who espouse, sympathise with or fail to challenge extremist views.⁴⁹

The report made 15 recommendations to the Government and Birmingham City Council to strengthen capacity against extremism.⁵⁰ The then Secretary of State, Nicky Morgan, made a [statement](#) to the House alongside the publication of the report.⁵¹

Progress report

On 29 January 2015 the Department for Education published a [progress report](#) on the implementation of the recommendations of the Clarke review.⁵² The accompanying [statement](#) from the Secretary of State noted that:

The government accepted every one of Peter Clarke's recommendations, and I am today placing a document in the libraries of both Houses outlining the progress that has been made on each one. I am pleased to report that since I last updated the House in July, all of the recommendations have either been implemented or are on track and that - as a result - I am confident that if the events we witnessed in Birmingham were repeated again today they would be identified and dealt with more quickly and in a far more effective way.⁵³

The statement was debated on the floor of the House (see [HC Deb 29 Jan 2015 c1015-1025](#)).

⁴⁸ Ibid.

⁴⁹ Department for Education, [Report into allegations concerning Birmingham schools arising from the 'Trojan Horse' letter](#), July 2014, p95

⁵⁰ Ibid., p98-100

⁵¹ [HC Deb 22 Jul 2014 c1247-1250](#)

⁵² Department of Education, [Implementation of Recommendations from Report into allegations concerning Birmingham schools arising from the 'Trojan Horse' letter](#), 29 January 2015

⁵³ [HC Deb 29 Jan 2015 c1015](#)

3.3 Education Committee inquiry and Government response

The Education Select Committee published its [report](#), *Extremism in schools: the Trojan Horse affair* in March 2015. The Committee's then Chair, Graham Stuart, summarised the [Committee's views](#):

One incident apart, no evidence of extremism or radicalisation was found by any of the inquiries in any of the schools involved. Neither was there any evidence of a sustained plot, nor of significant problems in other parts of the country. The Trojan Horse affair is less about extremism than about governance and the ability of local and central agencies to respond to whistle-blowers and to correct abuses of power within schools.

We found a worrying and wasteful lack of co-ordination between the inquiries carried out by the DfE, Birmingham City Council, the Education Funding Agency, Ofsted and others. In the case of the Birmingham schools, the number of overlapping inquiries contributed to the sense of crisis and confusion.

Questions have been raised about the appropriateness of Ofsted's framework and the reliability and robustness of its judgements. Ofsted must act to restore confidence in the inspectorate.

The British values which are now to be promoted in all schools are universal and deserving of support. Monitoring how these are promoted in individual schools must be done with common sense and sensitivity.⁵⁴

The [Government response](#) was published in July 2015. It included an overview of current Government measures on counter-extremism in schools (see section 1). The response was critical of the Education Committee report, saying that it "downplay[ed] the seriousness of events in Birmingham and risks undermining our efforts to tackle extremism. It is important to state clearly just how damaging these were to the young people in the care of those schools."⁵⁵

The report continued:

7. [...] through concerted and co-ordinated action, the life chances of young people attending these schools was wilfully narrowed, intolerance was permitted and young people were vulnerable to indoctrination by extremist ideologies.

8. It is therefore only right that reviews were undertaken by a number of bodies... It became evident that these schools were failing children in all areas; a host of educational, safeguarding and financial management concerns were identified in the Ofsted and EFA reviews.

[...]

12. More widely, national policies set in the wake of 'Trojan Horse' are well established in schools, with signs that they are beginning to change expectations and behaviours. The full impact of legislation around fundamental British values, governance and

⁵⁴ Education Committee, [Common sense needed in tackling 'extremism' in schools](#), 17 March 2015. The Committee's website provides the [full report](#).

⁵⁵ Department for Education, [Government response to the Education Select Committee report: Extremism in schools: the Trojan Horse affair](#), July 2015, Cm 9094, p2

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indeed the Prevent Duty that comes into force on the 1 July [2015] will take time, but together they are a strong framework for action when concerns arise and act as a stronger disincentive to those seeking to impose extremist views on vulnerable young people. We will be providing further advice to schools to support them in meeting this duty.⁵⁶

⁵⁶ Ibid., p2-3

4. Teaching British values in schools

Changes were made to the Ofsted inspection framework, and to school regulations and advice, following the 'Trojan Horse' allegations in Birmingham schools. The changes required schools to promote British values. They have been followed by concerns from some faith schools that these changes have led to them being unfairly 'marked down' by Ofsted.

4.1 Departmental guidance

On 23 June 2014, in the wake of the 'Trojan Horse' allegations, the Government launched [a consultation on proposed changes to the independent school standards regulations](#), which would require independent schools (including free schools and academies) to actively promote British values.

In response to a Parliamentary Question on 14 June 2014, Lord Nash explained how the proposed new regulations differed from those that existed previously:

The Parliamentary Under-Secretary of State for Schools (Lord Nash) (Con): My Lords, independent schools, academies and free schools are required to encourage pupils to respect fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. That provision was brought in by this Government. We plan to strengthen this requirement so that those schools will have to promote British values. Ofsted will also be asked to change the inspection framework to reflect that expectation so that maintained schools are also held to account on the same basis.⁵⁷

The consultation closed on 18 August 2014 and the subsequent [Education \(Independent School Standards\) \(England\) \(Amendment\) Regulations 2014](#) came into force on 29 September 2014. This amended the independent schools standards regulations so that independent schools, including academies and free schools, are required to actively promote "the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs."⁵⁸

Maintained schools have obligations under s78 of the *Education Act 2002*, which requires schools, as part of a broad and balanced curriculum, to promote "the spiritual, moral, cultural, mental and physical development of pupils at the school and of society." Government advice states the requirements to actively promote

⁵⁷ [HL Deb 14 Jun 2014 c504-506](#)

⁵⁸ [Education \(Independent School Standards\) \(England\) \(Amendment\) Regulations 2014 SI2014/2374](#)

fundamental British values in schools can be met through the general requirement in the 2002 Act.⁵⁹

On 27 November 2014 the then Government [published guidance](#) for local authority maintained schools and independent schools (including academies and free schools) on promoting British values. The Department for Education press release announcing publication of the guidance stated that:

The guidance aims to help both independent and state-maintained schools understand their responsibilities in this area. All have a duty to 'actively promote' the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. These values were first set out by the government in the 'Prevent' strategy in 2011.

Until now schools have been required to 'respect' these values, but as a result of changes brought in earlier in the year all schools must now have a clear strategy for embedding these values and show how their work with pupils has been effective in doing so.

4.2 Ofsted: no-notice inspections

In September 2014, Ofsted [announced](#) a series of no notice school inspections, following the 'Trojan Horse' allegations investigated earlier in the year:

HM Inspectors are mounting a wave of no notice inspections of schools across every region in England, Ofsted announced today.

Around 40 schools up and down the country have been selected for the two-day unannounced inspections during a two-week window in September, under powers already available to the inspectorate.

Following recent events in some Birmingham schools, Chief Inspector Sir Michael Wilshaw agreed to examine the feasibility of moving to a system of inspecting all schools without notice, rather than the half-day notice that the majority of schools currently receive.

In the meantime, he has instructed Ofsted's Regional Directors to make wider use of existing powers to conduct no notice inspections of schools where there are concerns about:

- rapidly declining standards
- safeguarding, including a decline in the standards of pupils' behaviour and the ability of staff to maintain discipline
- standards of leadership or governance, or
- the breadth and balance of the curriculum (including where the statutory requirement to publish information to parents is not met)

Many of the schools selected for these inspections over the coming days were already scheduled to undergo 'section 5' inspections this term. However, others will be schools that weren't

⁵⁹ Department for Education, [Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools](#), November 2014, p3

due for inspection but where Ofsted has become aware of concerns.⁶⁰

The results of these inspections were published on 25 November 2014. A [letter](#) from the Chief Inspector to the Secretary of State noted that:

Of the total 35 schools inspected, inspectors found concerns about the curriculum in 17 schools. Eleven of these schools were not preparing pupils for life in Britain today. This group included:

- schools that were not teaching respect for and understanding of the various faiths found in Britain today
- schools that were not developing pupils' awareness and tolerance of communities different to their own.⁶¹

The [letter](#) includes, as an annexe, a list of the schools involved and the relevant changes in grading.

A *TES* article, [Faith schools not targeted with snap inspections, Ofsted insists](#), from 25 November 2014, discussed these inspections.

In a [speech](#) at the Association of School and College Leaders' annual conference on 20 March 2015, Ofsted's National Director for Schools, Sean Harford, said that inspecting British values had "made life difficult" for the inspectorate, but that it was "one of the most important things [Ofsted] are doing."⁶²

4.3 Concerns raised

Ofsted inspections

Concerns were raised about these inspections with the then Education Secretary at Education Questions in October 2014:

Mr David Burrowes (Enfield, Southgate) (Con): There are reports that Ofsted is demanding that a Christian school invites an imam to take collective worship and that Jewish schoolchildren have been asked intrusive questions about their views on sexuality. Does that really promote British values?

Nicky Morgan: I thank my hon. Friend. That is clearly a matter for Ofsted and it is investigating exactly what was said to the school. I think we would all agree that the fundamental British values of respect, democracy and tolerance are shared by all schools and all people of all faiths.⁶³

Concerns were also raised in a Parliamentary Question in relation to Christian schools in February 2015:

Sir Gerald Howarth: To ask the Secretary of State for Education, if she will investigate reports by parents of pupils at Grindon Hall Christian School and Durham Free School that complaints to Ofsted about age-inappropriate and religiously hostile questioning of their children by inspectors were not investigated.

Mr David Laws: Any complaints about the conduct of Ofsted inspectors are a matter for Her Majesty's Chief Inspector. I

⁶⁰ Ofsted, [Ofsted begins series of no notice school inspections](#), 15 September 2014

⁶¹ Ofsted, [Advice note from Her Majesty's Chief Inspector, Sir Michael Wilshaw, to the Secretary of State for Education, Rt Hon. Nicky Morgan MP, on no-notice school inspections](#), 25 November 2014

⁶² Ofsted/ Sean Harford, [speech to ASCL annual conference 2015](#), 20 March 2015.

⁶³ [HC Deb 27 Oct 2014 c23](#)

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understand that Ofsted is investigating matters raised by the schools and by some parents and will respond to these in due course.⁶⁴

In press reports on the issue, Ofsted officials were quoted as emphasising the revised Ofsted guidance relating to the promotion of British values in schools, and the importance of preparing children for life in modern Britain. See for instance:

- [Christian school 'downgraded for failing to invite an imam to lead assembly', *Telegraph*, 19 October 2014](#)
- [British values rules 'to blame' as Christian school placed in special measures by Ofsted, *Telegraph*, 20 January 2015](#)

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